

MANDATE

**United States Court of Appeals
For the First Circuit**

05-30035
USDC/MA
Ponsor, M.

No. 06-1521

MICHAEL GARNER,
Petitioner, Appellant,

v.

MICHAEL A. THOMPSON, SUPERINTENDENT,
MCI SHIRLEY,

Respondent, Appellee.

Before

Boudin, Chief Judge,
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: June 20, 2006

Appellant, Michael Garner, applies for a certificate of appealability ("COA") after the United States District Court for the District of Massachusetts denied his petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and denied him a COA.

Having carefully reviewed appellant's claims, we **DENY** the application for the reasons stated in the district court's March 17, 2006 memorandum and order denying appellant's motion for a COA and its February 23, 2006 memorandum and order denying his petition for writ of habeas corpus.

The appeal is **TERMINATED**.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

George Kutas
Deputy Clerk

Date: 7/11/06

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER
Chief Deputy Clerk.

[Cert. cc: Hon. Michael A. Ponsor and Sarah A. Thornton, Clerk,
U.S.D.C. of Massachusetts, cc: Messrs: Turner, Katz and Lieber]